

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12623
Docket No. 12541
93-2-92-2-64

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(International Association of Machinists and
(Aerospace Workers
PARTIES TO DISPUTE: (
(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM:

- "(1) That the Grand Trunk Western Railroad Co., violated the controlling Agreement, Rule #6, but not limited thereto, when they unjustly dismissed Machinist E. L. Armstrong, Battle Creek, MI., from the service of the Carrier.
- (2) That accordingly, Carrier be ordered to return Machinist E. L. Armstrong to active service with all rights unimpaired and pay him for all lost time wages for the period from April 19, 1991, until he is returned to service."

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Subsequent to an Investigation, the Carrier found that the Claimant had missed all or part of his assignment on seven dates during the period from February 21 through April 15, 1991. In addition, the Claimant tested positive for a prohibited drug.

The testimony adduced from the Hearing held on this case, including the Claimant's own testimony, shows that he was absent on

the dates charged by the Carrier. It also shows that the Carrier's determination with respect to the Claimant's use of prohibited substances was well-founded.

Accordingly, given the finding of guilt to the very serious charges and noting that the Claimant has less than one year of service during which he failed to show that he could be a dependable employee, the Board has no basis to intervene in this matter.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 1st day of December 1993.